

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Timothy S. Buckley, Associate Justice; Honorable Rebecca A. Wiseman, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Joe G. Lopez, Senior Deputy Clerk.

F034208 People v. Brown

F036536 In re FREDERICK BROWN on Habeas Corpus

Cause called and argued by Frederick Brown, petitioner in propria persona. David J. Macher, Esq., counsel for appellant waived oral argument. David A. Rhodes, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

F033613 Owen v. Pacific Modular, Inc. et al.

Cause called and argued by James E. Noriega, Esq., counsel for appellant and by Ronald D. Wilton, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Thursday, June 14, 2001 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Timothy S. Buckley, Associate Justice; Honorable Rebecca A. Wiseman, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Joe G. Lopez, Senior Deputy Clerk.

F034054 In re Marriage of MICHAEL S. and DEBRA D. SMITH

F034080 In re Marriage of WENDY RENEE and KEVIN RAY POLSTON
F035091 County of Merced v. Bryner

Cause called and argued by M. J. Hamilton, Esq., Deputy Attorney General, counsel for appellant and by Jay C. Smith, Esq., counsel for respondent Michael S. Smith.

Cause ordered submitted.

Court recessed until Friday, June 15, 2001 at 10:00 A.M.

IN THE

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IN AND FOR THE

Fifth Appellate District

F035164 People v. Reynosa

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F035164 People v. Reynosa

The judgment is modified as follows: the conviction and sentence as to count two—simple possession of cocaine—is stricken. As so modified, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F033323 People v. Morales et al.

As to appellant Morales, the appeal is dismissed.

As to appellant Ramos, the sentence imposed in count V is ordered stayed pursuant to Penal Code section 654 and the trial court is ordered to prepare and distribute an amended abstract of judgment to so reflect. In all other respects and as so modified as to count V, the judgment is affirmed.

As to appellant Vargas, the sentence imposed in count V is ordered stayed pursuant to Penal Code section 654 and the trial court is ordered to prepare and distribute an amended abstract of judgment to so reflect. In all other respects and as so modified as to count V, the judgment is affirmed. Harris, J.

We concur: Vartabedian, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F037429 In re Flavio C., a Minor

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F034524 People v. Wade

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE
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F034524 People v. Wade

The matter is remanded to the trial court for resentencing on Wade's misdemeanor convictions for possessing a smoking device and furnishing marijuana. Further, pursuant to section 669, any custody time imposed on these convictions must be imposed concurrent to the aggregate eight year eight month term the court imposed on Wade's felony convictions.

Additionally, Wade's presentence custody credit in case No. 635926-9 is reduced from 225 days to 216 days as calculated above. His presentence custody credit in case No. F99905141-8 is reduced from 225 days to 8 days as calculated above. The trial court is directed to issue an amended abstract of judgment consistent with this opinion and to send a certified copy to the Department of Corrections. As modified, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F034190 People v. Gomez, Jr.

The judgment is affirmed. Ardaiz, P.J.

We concur: Levy, J.; Gomes, Pro Tem J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F033614 People v. Nijjar

The judgment is affirmed. Vartabedian, Acting P.J.

We concur: Levy, J.; Gomes, Pro Tem J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F034318 People v. Gomez, Jr.

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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F034318 People v. Gomez, Jr.

The judgment is affirmed. Ardaiz, P.J.

We concur: Levy, J.; Gomes, Pro Tem J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F036066 Pack et al v. Kings Co. Department of Human Services.

Filed modification of opinion (no change in judgment). Dibiaso,
Acting P.J.

I concur: Levy, J.

[CERTIFIED FOR PUBLICATION]

F034940 People v. Stefano

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F034940 People v. Stefano

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F035680 People v. Janzen

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F035680 People v. Janzen

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]